

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Claim 14 has been amended to correct a typographical error. Claims 12-22 remain pending in the application.

### **2.) Claim Rejections – 35 U.S.C. §102(e)**

The Examiner rejected claims 12-22 as being anticipated by Takano, *et al.* (US 7,103,376). The Applicants traverse the rejections.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Takano fails to anticipate each and every limitation of claims 12-22, those claims are not anticipated thereby.

Claim 12 recites:

12. A method for handover in a communication system, wherein said communication system includes an access network having Radio Network Controllers (RNC), Radio Base Stations (RBS) consisting of main units (MU) which perform base band signal processing, and one or more radio remote units (RRUs) which convert between baseband and radio frequencies and transmits and receives signals over one or more antennas covering cells, and one or several User equipment (UE) moving closer and closer to another cell, which said network is made aware of and then it will initiate a handover process, during which the call will be transferred from one cell to another cell within said radio base station (RBS) or to a cell in another Radio base station (RBS) in said communication network, wherein said handover process interact with a memory containing a list (softer handover group) of said radio remote units (RRUs) capable of doing softer handover with each other using the **same** Rake receiver. (emphasis added)

The Applicants' invention is directed to a method relating to "softer" handover using the same rake receiver. In contrast, the teachings of Takano are *only* directed to "soft" handover scenarios. As those skilled in the art are aware, softer handover is a special case of soft handover wherein the radio links that are added and removed belong to the same Node B (*i.e.*, the site of co-located base stations from which several sector-cells are served). Takano does not address the problems associated with **softer** handover, much less solving those problems using the **same** rake receiver. This distinction between the Applicants claimed invention and the teachings of Takano is further illustrated by noting that the method recited in claim 13 performs a softer handover in response to a first condition and a soft handover in response to another condition. Therefore, because the teachings of Takano fail to address **softer** handover, it fails to anticipate claim 12. Furthermore, whereas claims 13-22 are dependent from claim 12, and include the limitations thereof, they are also not anticipated by Takano.

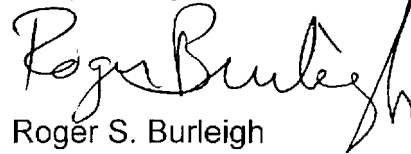
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### **CONCLUSION**

In view of the foregoing amendment and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 12-22.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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